

Due Date: December 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Thomas G.B. Mason et al.	Examiner:	Dung T. Nguyen
Serial No.:	10/049,362	Group Art Unit:	2828
Filed:	February 6, 2002	Docket:	G&C 30794.61-US-WO
Title:	TUNABLE LASER SOURCE WITH INTEGRATED OPTICAL MODULATOR		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on December 4, 2003.

By: [Signature]
Name: George H. Gates

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 4, 2003, please amend the above-identified application as follows:

REMARKS

The Office Action dated November 4, 2003 required restriction of the claims into two claim groups. In response, Applicants elect Group I, namely claims 1-8. However, Applicants' attorney does so with traverse. Applicants' attorney disputes the assertion by the Office that the two claim groups involve separate and distinct inventions.

35 U.S.C. §121 provides that "If two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions." However, the Examiner does not assert that the inventions of the two claim groups are independent. Rather, the Examiner only alleges that the inventions of the two claim groups are distinct because the method steps claimed can be used to produce a different kind of device. As both requirements of §121 are not met, Applicants' attorney respectfully submits that the restriction requirement is improper.